



2025:DHC:1846-DB



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
***Date of decision: 21.03.2025***

+ W.P.(C) 3553/2025

UNION OF INDIA AND ORS

.....Petitioners

Through: Mr. Rohan Jaitley, CGSC with  
Mr. Dev Pratap Shahi, Mr.  
Varun Pratap Singh, Mr. Yogya  
Bhatia, Mr. Palash Maxumdar,  
MHA and Mr. Kulvinder Singh  
(US), Advs.

versus

DHARAMPAL SINGH AND ORS

.....Respondents

Through: Mr. M.K. Bhardwaj, Ms.  
Priyanka Bhardwaj & Mr.  
Himanshu Bhardwaj, Advs.

**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE RENU BHATNAGAR****NAVIN CHAWLA, J. (Oral)****CM APPL. 16591/2025 (Exemption)**

1. Allowed, subject to all just exceptions.

**W.P.(C) 3553/2025 & CM APPL. 16590/2025**

2. This petition has been filed challenging the Order dated 30.07.2024 passed by the learned Central Administrative Tribunal (PB), New Delhi ('learned Tribunal') in C.P./706/2023 in O.A./2416/2016, titled *Dharam Pal Singh v. Ajay Kumar Bhalla Secretary M/o Home Affairs*, directing the petitioner to fully comply with the Order dated 03.08.2023 passed in the above O.A. and further observing that the Office Memorandum (OM) dated 25.07.2024 was



not in conformity with the direction issued in the above Order.

3. The petitioner further challenges the Order dated 10.01.2025 passed in R.A. No. 126/2024 seeking review of the above Impugned Order, which also stands dismissed by the learned Tribunal.

4. A brief background of the facts is that the respondents had filed the above mentioned O.A. praying for grant of the Assured Career Progression Scheme (ACP) benefits. The same was allowed *vide* the Order dated 03.08.2023, with the following directions:

*“13. In view of the aforesaid facts and law, the O.A. deserves to be allowed. The same is allowed with following orders:-*

*(i) The impugned order dated 06.07.2016 (Annexure A/1) is set aside, the applicants are declared to be entitled for grant of the 2nd financial upgradation in Grade pay of Rs. 5400/-, in Pay Band-Ill after completion of 24 years of regular service.*

*(ii) Respondents are directed to comply with the orders by passing an appropriate order as expeditiously as possible and preferably within six weeks of receipt of a copy of this order. The respondents shall also release the difference of pay and allowances in accordance with rules accruing to the applicants in compliance of the aforesaid, as expeditiously as possible and preferably within 6 weeks thereafter.”*



5. Aggrieved by the above direction, the petitioner challenged the same by way of a writ petition before this Court, being W.P.(C). 2925/2024. The same, however, came to be dismissed by this Court *vide* its Order dated 28.02.2024. The said Order attained finality and was not challenged further by the petitioner.

6. Instead of complying with the direction issued by the learned Tribunal, the petitioners issued the subject OM dated 25.07.2024, whereby, while conveying the approval of the competent authority for implementation of the Order passed by the learned Tribunal and as upheld by this Court, it was further observed that the same shall be subject to the Order of the Supreme Court in ***Union Of India & Anr v. Tarsem Singh***, 2008 (8) SCC 648, meaning thereby that the relief to the respondent shall be confined to a period commencing three years prior to the filing of the O.A.

7. The learned Tribunal, therefore, in the above mentioned C.P., *vide* its Order dated 30.07.2024, observed that this was not a complete compliance with the Order dated 03.08.2023 passed by it. It gave time to the petitioner to comply with the said Order.

8. The petitioner, thereafter filed the review application, being R.A. No. 126/2024, which has been dismissed by the learned Tribunal *vide* its Order dated 10.01.2025, observing as under:

*“8. It is an admitted fact that the order in the captioned OA has attained finality. All the grounds available to the review applicants to challenge the order of this Tribunal dated 03.08.2023 could have been agitated by the review applicants before the Hon’ble High*



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*Court and admittedly they have agitated as such and that before this Tribunal after dismissal of the relevant Writ Petition and that too in the contempt proceedings.”*

9. The learned counsel for the petitioner submits it is a settled law that the relief that could have been granted by a Tribunal in its order dated 03.08.2023 should be confined to a period commencing from three years before the date of filing of the petition. In support he places reliance on the Judgement of the Supreme Court in **Tarsem Singh** (supra); as also of this Court in **Subhash Chandra v. Union of India and Ors.**, 2014:DHC:735-DB.

10. He submits that in fact, on the same issue, there are contradictory Orders being passed by different Benches of the learned Tribunal. He draws our attention to an Order dated 02.05.2019 passed by the Central Administrative Tribunal, Chandigarh Bench in O.A. No.60/976/2017, titled **Sehdev Paswan and Ors. v. Union of India and Ors.**, wherein the learned Tribunal had confined the relief to the petitioners therein for period commencing from three years prior to the filing of the said OA. He also makes a reference to the Judgement of the Supreme Court in **SI Roop Lal v. Lt Governor Through Chief Secretary, Delhi**, (2000) 1 SCC 644, to submit that in such circumstances, the proper course to be adopted by the learned Tribunal is to constitute a larger Bench

11. We have considered the submissions made by the learned counsel for the petitioner, however, we find no merit in the same.

12. In the present case, in its order dated 03.08.2023, the learned



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Tribunal has not confined the relief granted to the respondent to a period commencing from three years before the filing of the OA. The said Order was affirmed by this Court by dismissing the writ petition filed by the petitioner herein, and that Order has attained finality.

13. In an application seeking execution/enforcement of the Order passed by the learned Tribunal, the learned Tribunal would not have been vested with a jurisdiction to modify the original Order dated 03.08.2023 passed by it; its jurisdiction being confined only to ensure enforcement of the said Order.

14. Therefore, no infirmity can be found in the Impugned Orders.

15. The writ petition along with pending application is accordingly dismissed.

**NAVIN CHAWLA, J**

**RENU BHATNAGAR, J**

**MARCH 21, 2025/Pr/IK**

*Click here to check corrigendum, if any*